

AGREED BOARD ORDER #91-11-002

RE: IN THE MATTER OF
ALLAN M. SHERMAN, D.P.M.,
License No. 513

BEFORE THE TEXAS STATE
BOARD OF PODIATRY
EXAMINERS

On this day came on to be considered by the Texas State Board of Podiatry Examiners the matter of Allan M. Sherman, Respondent, 12700 Preston Rd., Suite 135, Dallas, Texas 75230.

By the letter dated February 27, 1990, the Texas State Board of Podiatry Examiners gave preliminary notice to Dr. Sherman of its intent to investigate a patient complaint against him. This complaint alleged that Respondent may have violated Board Rules §375.2, "General", §375.3, "Soliciting", §375.10, "Fees", §375.11, "Records", and §375.12, "Violations". No formal complaint has been filed against Respondent by the Texas State Board of Podiatry Examiners.

This Order is executed under the authority of Section 13(a) of the Administrative Procedures and Texas Register Act (APTRA), article 6252-13a, TEX.REV.CIV.STAT.ANN., which allows contested cases to be resolved informally. Dr. Sherman, agrees to waive his right to a formal hearing on this matter upon the signing of this order.

Dr. Sherman, having been provided written notice of the complaints against him on February 7, 1990, by the Texas State Board of Podiatry Examiners acting under the mandate of §18(c), art. 6252-13a, V.T.C.S. and following an informal conference March 20, 1990, with the Enforcement Committee of the Board recognized that bona fide disputes and controversies remain between the parties. In order to equitably and judiciously settle and compromise these unresolved claims and to further the interest of justice the parties agree as follows:

Dr. Sherman -

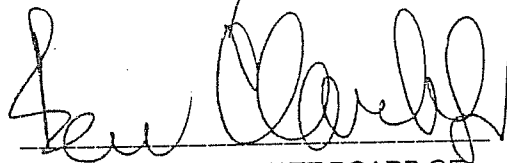
1. To change his sterile technique to include a ten minute scrub of the entire foot with betadine or a comparable substance before any bone or joint surgery.

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Allan M. Sherman, D.P.M.

2. To complete 5 hours of CME within the next 6 months on the subject of infectious diseases of the entry of this order. Said courses to be pre-approved by the Board or its representatives and taken from a major medical institution.
3. To alter his consent form to avoid any statements which may be misleading or untrue, i.e. under the section styled "advantages" the following statement "patient can return to normal activities the same day" should be removed or corrected.
4. To accept Board suspension for six months; all to be probated, with the probation to begin on March 1, 1991.

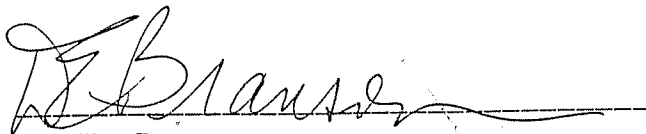
In turn, the Board agrees that upon successful completion of the terms of this agreement there will be no further action regarding this matter. Both parties agree to dispense with this case informally and without further hearings or appeals.

SIGNED AND ENTERED this 17 day of January, 1991.



MEMBER, TEXAS STATE BOARD OF
PODIATRY EXAMINERS

ATTEST:



D. Elliot Branson,
Executive Director
Texas State Board of Podiatry Examiners

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Allan M. Sherman, D.P.M.

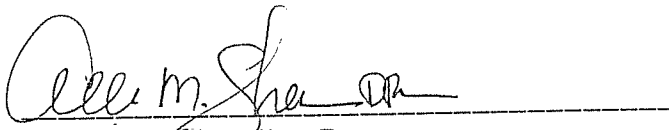
APPROVED AS TO FORM AND AGREED TO:

For the Board:



Brooks Wm. (Bill) Conover, III
Assistant Attorney General

For Dr. Sherman:



Allan M. Sherman, D.P.M.

Timothy Kelly
Legal Counsel for Respondent

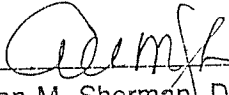
Texas State Board of Podiatry Examiners
3420 Executive Center Drive, Suite 305
Austin, Texas 78731

Re: Agreed Board Order #91-11-002

Concerning the above Agreed Board Order, this is to advise you that I:

- 1) Have read the Order;
- 2) Understand the Order;
- 3) Have knowingly and freely signed the Order; and
- 4) Request the Board enter the Order

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Allan M. Sherman, D.P.M.


Allan M. Sherman, D.P.M.
12700 Preston Rd., Suite 135
Dallas, Texas 75230

1-21-91
Date